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SEP 21 2004

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**CERTIFICATE OF FACSIMILE TRANSMISSION TO THE  
UNITED STATES PATENT AND TRADEMARK OFFICE**

**DATE: September 21, 2004**

**TO: Examiner: John K. Fristoe, Jr. : RE: U.S. Patent Application**  
**Art Unit: 3754 : Serial No.: 09/754,541**  
**Fax: (703) 872-9306 : Applicant: Jeffery Allen Tupis**  
**From: Thomas M. Fisher : Atty. Dkt. No.: 9D-HR-19690**

**DOCUMENTS SUBMITTED WITH TRANSMISSION:**

**Amendment in Response to the Office Action dated July 28, 2004 (7 pgs.)**

**Amendment Transmittal (3 pgs.)**

**Certificate of Facsimile Transmission (1 pg.)**

**Total pages including cover page: 11**

**If all pages are not received, please contact: Laura Davis at Ext. 7938**

**RE: The above referenced U.S. Patent Application**

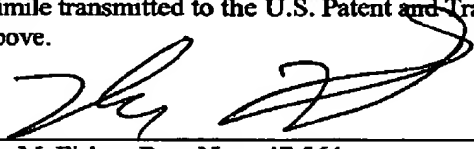
**Title: SEALED DAMPER ASSEMBLY**

**Filed: January 5, 2001**

**AT File No.: 13307-124**

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that these papers are being facsimile transmitted to the U.S. Patent and Trademark Office, Facsimile Number (703) 872-9306 on the date shown above.

  
Thomas M. Fisher, Reg. No.: 47,564

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PATENT  
Attorney Docket No.: 9D-HR-19690

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Jeffery Allen Tupis :  
: Art Unit: 3754  
Serial No.: 09/754,541 :  
: Examiner: John K. Fristoe, Jr.  
Filed: January 5, 2001 :  
: :  
For: SEALED DAMPER ASSEMBLY :

Mail Stop: AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL**

1. Transmitted herewith is:
  - Amendment in Response to the Office Action dated July 28, 2004 (7 pgs.)
  - Amendment Transmittal (3 pgs.)
  - Certificate of Facsimile Transmission (1 pg.)

**STATUS**

2. Applicant  
☒ claims small entity status.  
☐ is other than a small entity.

**CERTIFICATE OF MAILING/TRANSMISSION****CERTIFICATE OF MAILING BY EXPRESS MAIL TO  
THE COMMISSIONER FOR PATENTS**


Express Mail No.: EV US  
Date: \_\_\_\_\_

I hereby certify that the documents listed above are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above in an envelope addressed to: Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: September 21, 2004

**FACSIMILE**

☒ transmitted by facsimile to the Patent and Trademark Office to fax number (703) 872-9306.

  
\_\_\_\_\_  
Thomas M. Fisher  
Reg No.: 47,564

**EXTENSION OF TERM**

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

(complete (a) or (b), as applicable)

- (a) \_\_\_\_\_ Applicant petitions for an extension of time under 37 C.F.R. 1.136  
(Fees: 37 C.F.R. 1.17(a)-(d) for the total number of months checked below:)

Extension for response within:	Other than small entity Fee	Small entity Fee (if applicable)
_____ first month	\$ 110.00	\$ 5.00
_____ second month	\$ 420.00	\$ 210.00
_____ third month	\$ 950.00	\$ 475.00
_____ fourth month	\$1,480.00	\$ 740.00
_____ fifth month	\$2,010.00	\$1,005.00

Fee: \$ \_\_\_\_\_

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

\_\_\_\_\_ An extension of \_\_\_\_\_ months has already been secured. The fee paid therefor \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

OR

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

**FEE FOR CLAIMS**

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

(Col. 1)		(Col. 2)	(Col. 3)	SMALL ENTITY	OR	OTHER THAN SMALL ENTITY
CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	ADDITIONAL RATE FEE		ADDITIONAL RATE FEE
TOTAL	MINUS		=	x \$9 = \$		x \$18 = \$
INDEP.	MINUS		=	x \$43 = \$		x \$86 = \$
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+ \$145 = \$		+ \$290 = \$
				TOTAL ADDITIONAL FEE \$	OR	TOTAL ADDITIONAL FEE \$

- (a) ☒ No additional fee for Claims is required

OR

- (b) ☐ Total additional fee for claims required \$

**FEE PAYMENT**

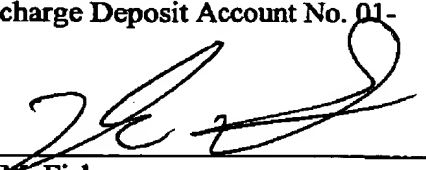
5. ☐ Attached is a check in the sum of \$  
☐ Charge Deposit Account No. 01-2384 the sum of \$  
 A duplicate of this transmittal is attached.

**FEE DEFICIENCY**

6. ☒ If any additional extension and/or fee is required, charge Deposit Account No. 01-2384.

AND/OR

- ☒ If any additional fee for claims is required, charge Deposit Account No. 01-2384.
7. ☐ Other:

  
 Thomas M. Fisher  
 Reg. No.: 47,564  
 ARMSTRONG TEASDALE LLP  
 One Metropolitan Square, Suite 2600  
 St. Louis, MO 63102  
 314/621-5070

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*Transmitted Via Facsimile to (703) 872-9306*

9D-HR-19690  
PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Jeffery Allen Tupis :  
Serial No.: 09/754,541 : Art Unit: 3754  
Filed: January 05, 2001 : Examiner: John K. Fristoe, Jr.  
For: SEALED DAMPER ASSEMBLY :

**AMENDMENT**

Mail Stop: AMENDMENT  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

In response to the Office Action mailed July 28, 2004, please amend the above-identified patent application as follows: